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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

IN RE META PIXEL TAX FILING CASES

Case No. 5:22-cv-07557-PCP (VKD)

This Document Relates To:

All Actions

**ADMINISTRATIVE MOTION TO FILE
DECLARATION AND SEAL THE SECOND
AMENDED CONSOLIDATED CLASS
ACTION COMPLAINT AFTER DEADLINE**

Hon. P. Casey Pitts

Pursuant to Local Rule 7-11 and Federal Rule of Civil Procedure 6(b)(1)(B), Defendant Meta Platforms, Inc. (“Meta”), through counsel, respectfully moves this Court for leave to file a Declaration in Support of Plaintiffs’ Administrative Motion to File Under Seal the Second Amended Consolidated Class Action Complaint and Proposed Order after the deadline required by Local Rule 79-5(f).

BACKGROUND

On April 2, 2025, plaintiffs filed a Motion for Leave to File a Second Amended Class Action Complaint and Administrative Motion to File the Second Amended Complaint Under Seal.

On April 16, 2025, Meta filed a Statement of Non-Opposition to plaintiffs’ Motion for Leave to File a Second Amended Class Action Complaint.

On April 18, 2025, the Court granted plaintiffs’ Motion for Leave to File a Second Amended Consolidated Class Action Complaint and ordered plaintiffs to file the Second Amended Complaint by Monday, April 21, 2025 (“April 18 Order”).

On April 18, 2025, plaintiffs filed their Second Amended Complaint and an Administrative Motion to File Documents Under Seal. Pursuant to Local Rule 79-5(f), Meta’s deadline to file any statement or declaration in response was April 25, 2025.

On May 1, 2025, the Court ordered plaintiffs to file an unredacted version of the Second Amended Complaint no later than May 2, 2025.

ARGUMENT

Meta respectfully requests that the Court grant it leave to file a Declaration in Support of Plaintiffs’ Administrative Motion to File Under Seal the Second Amended Consolidated Class Action Complaint and Proposed Order after the deadline required by Local Rule 79-5(f). Meta is concurrently filing this declaration, and submits that any neglect from Meta not providing a timely declaration pursuant to Local Rule 79-5(f) is excusable.

To determine excusable neglect, courts weigh the following four factors: “(1) the danger of prejudice to the non-moving party, (2) the length of delay and its potential impact on judicial proceedings, (3) the reason for the delay, including whether it was within the reasonable control of the movant, and (4) whether the moving party’s conduct was in good faith.” *Sibley v. Air & Liquid*

1 *Sys. Corp.*, No. 20-CV-07697-MMC, 2021 WL 1736812, at *1 (N.D. Cal. May 3, 2021). “The Ninth
2 Circuit ... has found parties requesting relief on the basis of excusable neglect and who had shown
3 the first, second, and fourth factors supported a finding of excusable neglect, were entitled to such
4 relief.” *Id.* at *2. Meta satisfies these factors.

5 Meta filed a Statement of Non-Opposition in response to plaintiffs’ Motion to File the Second
6 Amended Class Action Complaint, pursuant to which plaintiffs had included the proposed Second
7 Amended Complaint and an Administrative Motion to File the Second Amended Complaint Under
8 Seal. Following the Court’s April 18 Order to file the proposed Second Amended Complaint (which
9 included redactions), plaintiffs filed the Second Amended Complaint, including the same sealing to
10 which Meta had previously filed its Statement of Non-Opposition and the same Administrative
11 Motion to File the Second Amended Complaint Under Seal. Due to Meta’s previous non-opposition
12 to plaintiffs’ Motion to File a Second Amended Consolidated Class Action Complaint, Meta did not
13 appreciate that Local Rule 79-5(f) required it to still file a subsequent declaration for the sealing
14 related to the Second Amended Complaint. Meta’s actions and response to plaintiffs’ motions and
15 the Court’s April 18 Order were in good faith.

16 Additionally, there is no prejudice to plaintiffs in this circumstance. The information subject
17 to the sealing is Meta’s, not plaintiffs’, little time has passed, and this delay did not disrupt any
18 judicial proceedings in this case.

19 Finally, the length of delay is minimal. Under Local Rule 79-5(f), Meta’s delay is less than
20 one week, and Meta files this motion the same day of the Court’s order to plaintiffs.

21 CONCLUSION

22 Based on the foregoing, Meta respectfully requests that the Court accept its late-filed
23 Declaration in Support of Plaintiffs’ Administrative Motion to File Under Seal the Second Amended
24 Consolidated Class Action Complaint.

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26
27 Dated: May 1, 2025

/s/ Lauren R. Goldman
Lauren R. Goldman